REMARKS/ARGUMENTS

Claims 1-41 are pending.

Claims 10 and 21-41 are withdrawn from consideration.

Claims 1-9 and 11-20 are rejected.

35 USC §112, REJECTION, FIRST PARAGRAPH

Claims 1-9 and 11-20 stand rejected under 35 USC §112 first paragraph as failing to comply with the enablement requirement.

The Applicant respectfully traverses the 35 USC §112 rejection of claims 1-9 and 11-20.

The Applicant is unsure as to the exact basis for the Examiner's rejection. Independent claims 1 and 11 recite the following language:

> 1. (Original): A composite structure, comprising:
> a polymeric foam substrate; and
> a latex layer formed on at least a portion of a surface of the polymeric foam substrate, wherein the latex layer infiltrates into at least a portion of a subsurface layer of the polymeric foam substrate.
>
> 11. (Original) A composite structure, comprising:
> a polymeric foam substrate; and
> a latex layer disposed on at least a portion of a surface of the polymeric foam substrate.

These claims merely recite a composite structure having a foam substrate with a latex layer disposed on the substrate. The Examiner seems to be objecting to the fact that the Applicant's did not include a curing limitation in the claims based on several passages taken out of context from the specification.

The specification makes clear that the curing step is part of one aspect of the present invention, and that another aspect of the present invention includes the making of the composite structure and the composite structure prior to any curing step. This concept is clearly described in the specification, e.g., at paragraphs [0024], [0030] and [0038]:

> [0024] The base 12 preferably includes a latex coating 18 thereon. **The latex coating 18 may be impregnated into the base 12 as is more fully set forth below**. Alternatively, the latex coating 18 may comprise a latex layer 18 that is formed separately using a foaming process as set forth above, then disposed or otherwise applied over the base 12 and secured thereabout. (Emphasis added).
>
> [0030] As is shown, a track 26 is provided. The foam base 12 is preferably placed on a shaft 16 having rollers 30 thereon. The rollers 30 are preferably placed in the track 26. A suitable drive mechanism, not shown, preferably moves the shaft 16 along the track 26. **Since the uncured latex emulsion formulation is fluid, the squeezing force of the rollers 30 preferably causes uptake of the formulation into the cells of the polyurethane foam base 12, which may or may not fully penetrate the foam, but typically partially penetrates several millimeters depth beyond the surface of the foam base 12, as shown in FIGS. 1, 4A and 4B**. It will be appreciated that the foam base 12 may pass over several rollers 24 in order to apply the latex coating 18 over the desired amount of surface of the base 12. (Emphasis added).
>
> [0038] As the foam base 120 proceeds along the conveyor belt system 124, additional portions of the surface thereof are exposed to the latex material 134, allowing more of the surface of the foam base 120 to become coated with the latex material. **When the foam base 120 exits the conveyor belt system 124, the surface of the foam base 120 is preferably completed coated with the latex material 134 to form the product 10 of the present invention**. The product 10 **can** then be transported by any number of suitable methods (e.g., additional conveyor belt/roller systems) for further processing, **such as drying, curing, and the like**. (Emphasis added).

Accordingly, it is clear that the curing step is an optional, i.e., not mandatory, step that can be carried out on the composite structure. Furthermore, it is clear that the latex layer is operable to infiltrate into the foam substrate layer without resort to carrying out a curing step.

There is no recitation in claims 1 or 11, or any of the pending claims for that matter, of "a durable dried latex coating" or "fruit and vegetable sponge drying donuts," therefore the Applicants do not understand why the Examiner is raising this as an issue. The Applicant is not claiming a cured composite structure, as those claims have been withdrawn from consideration, at the request of the Examiner. The Applicant is merely claiming the composite structure prior to any curing, which as previously noted, forms a part of the invention in its own right.

Accordingly, the Applicant contends that the 35 USC §112, first paragraph, rejection of claims 1-9 and 11-20 has been overcome. Furthermore, the Applicant contends that the 35 USC §112, first paragraph, rejection of dependent claims 2-9 and 12-20, which depend from and further define independent claims 1 and 11, respectively, has been overcome.

35 USC §112 REJECTION, SECOND PARAGRAPH

Claims 1-9 and 11-20 stand rejected under 35 USC §112 second paragraph as being incomplete for omitting essential steps, such omission amounting to a gap between the steps.

The Applicants respectfully traverse the 35 USC §112, second paragraph, rejection of claims 1-9 and 11-20.

Again, as previously noted, the Applicant is unsure as to the exact basis for the Examiner's rejection. Reiterating, independent claims 1 and 11 merely recite, among other things, a composite structure having a foam substrate with a latex layer disposed on the substrate. Once again, the Examiner seems to be objecting to the fact that the Applicant's did not include a curing limitation in the claims based on several passages taken out of context from the specification.

Reiterating, the specification makes clear that the curing step is part of one aspect of the present invention, and that another aspect of the present invention includes the making of the composite structure and the composite structure prior to any curing step. This concept is clearly described in the specification, e.g., at paragraphs [0024], [0030] and [0038]:

> [0024] The base 12 preferably includes a latex coating 18 thereon. **The latex coating 18 may be impregnated into the base 12 as is more fully set forth below**. Alternatively, the latex coating 18 may comprise a latex layer 18 that is formed separately using a foaming process as set forth above, then disposed or otherwise applied over the base 12 and secured thereabout. (Emphasis added).
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> [0030] As is shown, a track 26 is provided. The foam base 12 is preferably placed on a shaft 16 having rollers 30 thereon. The rollers 30 are preferably placed in the track 26. A suitable drive mechanism, not shown, preferably moves the shaft 16 along the track 26. **Since the uncured latex emulsion formulation is fluid, the squeezing force of the rollers 30 preferably causes uptake of the formulation into the cells of the polyurethane foam base 12, which may or may not fully penetrate the foam, but typically partially penetrates several millimeters depth beyond the surface of the foam base 12, as shown in FIGS. 1, 4A and 4B**. It will be appreciated that the foam base 12 may pass over several rollers 24 in order to apply the latex coating 18 over the desired amount of surface of the base 12. (Emphasis added).
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> [0038] As the foam base 120 proceeds along the conveyor belt system 124, additional portions of the surface thereof are exposed to the latex material 134, allowing more of the surface of the foam base 120 to become coated

> with the latex material. **When the foam base 120 exits the conveyor belt system 124, the surface of the foam base 120 is preferably completed coated with the latex material 134 to form the product 10 of the present invention**. The product 10 **can** then be transported by any number of suitable methods (e.g., additional conveyor belt/roller systems) for further processing, **such as drying, curing, and the like**. (Emphasis added).

Accordingly, it is clear that the curing step is an optional, i.e., not mandatory, step that can be carried out on the composite structure. Furthermore, it is also clear that the latex layer is operable to infiltrate into the foam substrate layer without resort to carrying out a curing step.

Reiterating, the Applicant is not claiming a cured composite structure, as those claims have been withdrawn from consideration, at the request of the Examiner. The Applicant is merely claiming the composite structure prior to any curing, which as previously noted, forms a part of the invention in its own right.

Accordingly, the Applicant contends that the 35 USC §112, second paragraph, rejection of claims 1-9 and 11-20 has been overcome. Furthermore, the Applicant contends that the 35 USC §112, second paragraph, rejection of dependent claims 2-9 and 12-20, which depend from and further define independent claims 1 and 11, respectively, has been overcome.

CONCLUSION

In view of the foregoing, the Applicant respectfully requests reconsideration and reexamination of the Application. The Applicant respectfully submits that each item raised by the Examiner in the Office Action of October 11, 2005 has been successfully traversed, overcome or rendered moot by this response. The Applicant respectfully submits that each of the claims in this Application is in condition for allowance and such allowance is earnestly solicited.

In the interest of expediting the prosecution of the instant application, the Examiner is invited to telephone Applicant's undersigned counsel at 248-364-4300, if any unresolved matters remain. Any needed extension of time is hereby requested with the filing of this document. The Commissioner is authorized to charge any fees or any additional fees that may be required, or credit any overpayment to Deposit Account No. 50-1612 (Warn Hoffmann Miller & LaLone). A duplicate copy of this sheet is enclosed.

The undersigned is an attorney of record.

Respectfully submitted,

by RW Whff
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